

Attorney Docket No. TRNSV-001C

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Makower, et al.)
Application No.: 09/708,923)
Filed: November 8, 2000)
For: Methods and Apparatus for Bypassing)
Arterial Obstructions and/or Performing)
Other Transvascular Procedures)

Art Unit: 3738

Examiner: Isabella, D.

Mail Stop Non Fee Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

#12
Election
S. Byrce
10/27/03

RESPONSE TO OFFICE ACTION DATED SEPTEMBER 23, 2003

Dear Sir:

Applicant hereby responds to the election of species Office Action dated September 23, 2003, as follows:

Applicant provisionally elects, with traverse, to restrict the claims to the subject matter of Group II (first and second location on same blood vessel). Applicant believes that Claims 1-3, 9 and 16-19 read on the elected Group II.

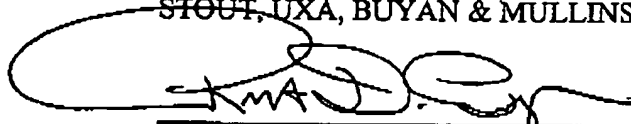
Applicant traverses the stated election-of-species requirement insofar as the examiner has indicated, on Page 2 of the Office Action, that *no* claims are currently generic. This is incorrect. Claims 1, 9 and 16-19 clearly read on all three of the enumerated species (i.e., Groups I, II and III). Thus, Claims 1, 9 and 16-19 are presently generic. Applicant respectfully requests that the Examiner correct this apparent oversight in the next office action or Notice of Allowability.

The Examiner is invited to contact Applicant's undersigned counsel to discuss any further measures that may be taken to facilitate prompt issuance of a Notice of Allowance.

No fee is seen to be due in connection with the filing of this response. However, in the event that any fee is properly deemed to be due, the Commissioner is hereby authorized to deduct such fee from Deposit Account No. 50-0878

Respectfully submitted,
STOUT, UXA, BUYAN & MULLINS, LLP

Date: October 23, 2003



Robert D. Buyan, Reg. No. 32,460

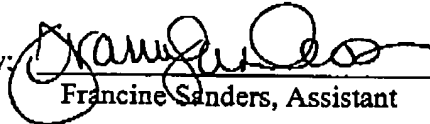
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By:



Francine Sanders, Assistant

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Date: October 23, 2003

To: Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313

Facsimile: 703-872-9306

Re: U.S. Patent Application No. 09/708,923
Applicant: Makower, et al.
Title: Methods and Apparatus for Bypassing Arterial Obstructions and/or Performing
Other Transvascular Procedures

From: Robert D. Buyan

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